



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

MAY 09 2014

Mr. William C. Chidester  
HC 32Box 48  
Rock Cave, WV 26234

RE: Notice of Violation, Docket No. SDWA-03-2014- 011-VS  
Mountain Brew, Rock Cave, West Virginia PWS ID No. WV9949045

Dear Mr. Chidester,

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

**NOTICE OF VIOLATION**

FINDINGS

Based on information we possess:

1. Mountain Brew (Respondent) is the owner/operator of the Mountain Brew public water system (PWS), PWS Identification Number WV9949045 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections.
3. Respondent failed to monitor for total coliform, as required by WVDHHR pursuant to 40 C.F.R. §141.21(a), during the quarterly monitoring periods beginning April and July 2013.
4. Respondent failed to monitor for nitrate, as required by WVDHHR pursuant to 40 C.F.R §141.23, during the annual monitoring period January through December 2013.

**The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Roberta Riccio at 215-814-3107, if you want to request such advice or assistance.**

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

### **REQUEST FOR INFORMATION**

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.

2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
7. A copy of the most recently performed sanitary survey for the System.
8. Copies of any total coliform laboratory analyses performed since April 2013.
9. Copies of any nitrate laboratory analyses performed since January 2013.
10. Copies of any public notification posted or provided to water users, regarding the violations listed in paragraph 3 and 4 of the Findings.
11. Any existing plans and schedules for monitoring, reporting and public notification.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Ms. Roberta Riccio  
United States Environmental Protection Agency  
Ground Water and Enforcement Branch (3WP22)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
[Riccio.roberta@epa.gov](mailto:Riccio.roberta@epa.gov)

and

Mr. Walter M. Ivey  
West Virginia Bureau of Public Health  
Office of Environmental Health Services  
Environmental Engineering Division  
WV Department of Health and Human Resources  
Capitol and Washington Streets  
1 Davis Square, Suite 200  
Charleston, WV 25301-1798



If you have any questions, please call Roberta Riccio at 215-814-3107.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen D. Johnson", written in a cursive style.

Karen D. Johnson, Chief  
Ground Water and Enforcement Branch

Enclosure

cc: Mr. Walter M. Ivey, WVDHHR Charleston Office  
Mr. J.D. Douglas, WVDHHR Charleston Office